



CONSULTATION RESPONSE

OfS Reforms to Quality Regulation

About GuildHE: GuildHE is one of three formal representative bodies in higher education, representing more than 70 diverse institutions, universities, colleges and specialist institutions. Our members are small and large, rural and urban, practice-based and online, publicly and privately funded. The diversity of our membership enables us a unique and valuable perspective into the challenges and opportunities within, and for, the sector at any given time.

We champion vocational and technical education, professional programmes and specialist providers, working directly with government and regulators to shape policy that reflects the need of a diverse sector. Members are renowned for their practical, industry-relevant education, research and innovation - which meet critical skills needs for the 21st century, while making a significant contribution to regional growth, industry development and the national economy.

Consultation Questions

Question 1a: What are your views on the proposed approach to making the system more integrated?

GuildHE is supportive of the OfS approach to integrating quality methodologies. The previous system left providers and the OfS exposed to confusion, duplication, and administrative burdens that may be overcome by integrating the B conditions and TEF. Whilst we want the OfS to reduce regulatory burden, we also want the TEF exercise to be fair, transparent and secure, and have outlined some concerns along those lines below.

We are concerned that including all B conditions increases scrutiny on the integrated exercise as a means of securing quality across a provider's entire academic offer. For example, it is implausible, under the approach outlined in this consultation, that a provider could demonstrate its comprehensive approach to curriculum and assessment design by providing the panel with an explanation of their policy; this is not enough to demonstrate how that policy is enacted across the institution.

Whether regulatory burden is reduced can only be fully assessed if taking into account the perspectives of those being regulated. It is insufficient to consider a reduction in OFS complexity as meeting that intention. As evidenced by changes to the statutory data return, reducing the number of data points does not automatically reduce the sector's administrative load; in some instances, it has actually increased it as in the case of the professional services staff return. We'd like to ensure that the right balance is struck between providing the required information for a secure judgement and minimising the commentary and evidence required to

do so. At present, we do not feel this balance is right. Should the OfS find it difficult to reduce burden in this area, it should instead identify opportunities to lessen regulatory burden elsewhere.

Some opportunities to reduce burden exist within OfS's handling of academic standards. We have noted in our response that the incorporation of B4 into the TEF as currently described in Annex H is not appropriate. B4 is principally concerned with academic standards meeting sector-agreed standards rather than a 'quality' issue which can be enhanced by differentiated practice. HE providers have legal autonomy over the setting of academic standards, whilst conforming to a peer-led sector agreed approach. The OfS should look to better utilise sector-agreed standards such as Subject benchmarks, the UK quality code, and the UK Professional Standards Framework within the TEF methodology as a key mechanism to reduce burden on the sector. It is inefficient for both providers and the OfS to devise new quality definitions rather than using these existing, internationally-recognised reference points to measure compliance.

Related to recognised standards and practice, we are concerned that recent OfS publications have sought to disrupt and diminish our internationally-agreed approach to our external examiner system. Whilst improvements can always be sought, the process is an impactful, sector-wide approach to quality monitoring, offering a regular, on-the-ground external oversight that benefits students and sustains our international standing. The OfS's rejection of this is an issue for the TEF. We believe that strengthening and unifying its application across the sector would allow it to provide TEF panel members with essential external scrutiny, offering data and commentary to support a more robust final judgement. We hope the OfS considers this, especially as there is likely to be a government review supported by the sector in the next year.

Our members feel strongly that the OfS approach needs to be recognised as adhering to European standards and guidelines for quality assurance, so in this consultation response, we seek greater clarity from OfS on how it intends to do this. Not only does this increase the opportunities and partnerships we can create through being ESG compliant, but it also aligns our quality assurance approach with our closest peers, thereby increasing confidence in our system overall. Adherence to European standards is imperative to ensure the reputation of English-based higher education is secured for potential students and partners from the devolved nations, Europe and beyond; as well as instilling confidence in the OfS among English higher education providers.

We are still deeply concerned that this iteration of the TEF continues to rely on market-based extrinsic values and ideologies for education regulation, which are not entirely appropriate for the HE sector or the measurement of academic quality. The exercise is in danger of counting what it can measure, rather than measuring what counts. The OfS should have sight of the extensive academic literature that has accumulated since the introduction of the TEF and that disputes the suitability of these metrics as indicators of quality.

Simon Margison and Paul Ashwin's work on the National Student Survey (NSS), for instance, argues that it provides valuable data on student satisfaction - as student opinion, and that it is not a proxy for what students have actually learned during their programmes. While student opinions are important in telling us how students feel about their course, those feelings cannot

be used as a valid measure of anything other than satisfaction since feelings are not necessarily rooted in facts. They also argue that the time lag for data means TEF fails to indicate the current quality of education students actually experience.

The Social Market Foundation's report, "[Elusive quality: how should we evaluate higher education?](#)", highlighted limitations in a metrics-based approach. The report indicated that this method is associated with substantial statistical uncertainty, time lags, and variation among students, suggesting it may not be adequate for forming robust judgments on quality. The report also highlighted that "quality" can have different definitions, and that the regulatory approach in TEF was looking more at "value" than academic quality, though it notes that this value is only derived through short-term graduate destinations (when educational gain is removed from the exercise), which does not capture the full onward value of a degree. In 2019, the [Royal Statistical Society \(RSS\)](#) expressed concern that the Teaching Excellence Framework (TEF) is largely a "statistical artefact" and therefore "likely to mislead the public." [The subsequent ONS review](#) found potential for inconsistent results in the TEF's statistical elements, including that observed metric values may be affected by factors outside the provider's control, such as student expectations or locality-based factors for both continuation and graduate outcomes.

These are very important criticisms to consider, especially if the OfS intends to impose penalties on providers that fail to meet specific award criteria. But it needs to do more than just consider. The OFS needs to show that it understands the implications of these criticisms in its new design, along with amends to its proposals in light of them to demonstrate a fair and robust methodology for properly evaluating quality.

Question 1b: Do you have views on opportunities to reduce duplication of effort between the future TEF and Access and Participation Plans?

GuildHE members appreciate OfS signals about wanting to reduce regulatory burden on the sector and its acknowledgement that a lack of synergy between the TEF and APP has been problematic in the past. However, the current APP exercise focuses on enhancing equality of opportunity and, depending on the TEF cycle for individual providers, may not align with the four-year APP plan. It is also important for some providers to continue to commit to improving equality of access to their programmes, given systemic challenges with diversity in recruitment. Further challenges emerge when we see that elements of the EORR are not included in the TEF, including student accommodation challenges, prior academic achievement, and estranged or care-experienced students.

There are a few elements that could be considered to bring better alignment:

- The current datasets do not align, so this would need to be taken into account when integrating them.
- A TEF evaluation could lead to the inclusion of certain groups in the next APP plan.

We believe, on balance, the TEF and APP processes serve distinct purposes. The TEF exercise has historically measured quality above the high-quality baseline of the OFS Register, whereas APPs are set to address a range of equality issues that jeopardise quality in HE through innovative approaches that also reflect specific institutional contexts. Fully integrating APPs into TEF, with the incentives and restrictions outlined in this consultation, would likely stifle the

innovation and experimentation crucial to the success of APPs. APPs thrive on exploration, collaboration, and enhancement, making their integration with TEF a conflict of ideologies.

Question 2a: What are your views on the proposal to assess all registered providers?

GuildHE believes that if the TEF is to be fully integrated into the OfS quality approach, all providers should participate regardless of size or provision type. However, this poses major challenges for institutions with a postgraduate-only focus or with larger postgraduate than undergraduate cohorts. Until PG students are fully integrated, these providers are critically disadvantaged by being required to participate and receive ratings that could carry substantial business repercussions based on a small portion of their students. Government proposals to link tuition fee increases to quality and TEF ratings would further jeopardise the sustainability of these institutions, and we strongly urge the OfS to develop a new approach for these institutions until such time as a review of their postgraduate provision can be undertaken.

The data-driven approach of the TEF also disadvantages the effective monitoring of smaller providers. Many of our members have expressed concern that they will not have the opportunity to advance B3 data, and that where data is not available, OfS will rely on historical data, with unintended consequences on the validity and outcomes of assessment. A better balance between data and contextual commentary, as outlined in question 2b, would help mitigate this and we strongly urge the OfS to reconsider its current approach.

We also consider it important to mitigate against duplication in the new process. If all HE providers, including franchise partners, are registered with the OfS, alternative solutions are needed for monitoring lead providers and their sub-contracted students, particularly given there is only a 25-page limit for institutional submissions. This double counting adds unnecessary duplication and complexity in the system that requires further clarification.

Question 2b: Do you have any suggestions on how we could help enable smaller providers, including those that haven't taken part in the TEF before, to participate effectively?

The OfS's data-heavy approach to date is hugely problematic for those with small cohorts, who often have less publishable data or lower data confidence ratings due to their size. Quality cannot be assessed solely by metrics, as academic standards and student experiences are both input and output-driven. This creates an uneven playing field where small providers must work harder to justify their data (or lack thereof) and the inevitable fluctuations due to cohort size. Creating alternative metrics would not alleviate the inherent constraints of small sample sizes, and the OfS has a duty to ensure that its regulatory approach is fair to all on the register, regardless of size.

During the pre-consultation phase, many smaller providers advocated for on-site visits in the methodology for all providers. This would allow assessors to understand what it looks and feels like within their institution; quality aspects that the data cannot show. Whilst visits have administrative and workload challenges, our members believe their value is much greater than a 25-page provider submission.

In previous TEF exercises, members raised substantial challenges in preparing a provider submission with a very small staff team to deliver it (often one person also working another full-time role in the institution) within the timescale provided. This creates unfairness, with larger HEIs having access to significant staff resources, data analysts, and PR specialists, while some small providers incur the additional cost of outsourcing the provider submission. A fixed TEF cycle will allow providers to plan more effectively for their year of inclusion in future exercises, which we anticipate will help with resource planning and is a welcome suggestion within this consultation.

If the OfS provided more guidance and support on the creation of the submission (such as a mandatory universal template), we also believe there would be more overall parity across the sector, and it would support better comparable outcomes between assessor groups and years. Additional support, such as workshops, for smaller providers would also be welcome. GuildHE is happy to facilitate these with OfS support for our members.

Noting the disadvantages facing smaller providers, members have suggested that other contextual information should be made available to providers to assist them when preparing their TEF submission, including:

- Regional population demographics over time - affecting access rates for different student groups) to providers that source most students from within a defined geographical locality;
- LEO data adjusted by regional and average industry sectors' pay levels, with split metrics based on proportion of salaried and self-employed worker by region and industry sector.

Question 3a: Do you have any comments on what provision should be in scope for the first cycle? You could include comments on areas such as:

- **The inclusion of apprenticeships**
- **The proposal to look separately at partnership provision.**

Including apprenticeships within TEF increases burden and duplication. The delivery of an apprenticeship differs significantly to studying a traditional undergraduate course, even where teaching overlaps. Whilst Ofsted does not officially monitor student outcomes, the outcome of an apprenticeship - preparing students for a specific occupation and permanent job with their sponsor employer - is different to the broader outcomes of a traditional degree. In any case, assessment is covered within the 'Quality of Education' in terms of intent and implementation in an Ofsted review. In most cases, apprentices are recruited on this basis by the employer (not the HEI) and DfE monitors apprenticeship outcomes on this. Therefore, the outcomes of an apprenticeship where the student successfully completes the qualification, but does not secure a permanent job, is not the responsibility of the HEI in the partnership - just as it is not for all students.

Furthermore, including apprenticeships risks public confidence in the system if the TEF outcome (based on a more narrow desk-based, metrics-driven review) is at odds with an Ofsted inspection judgement - based on a richer, more-detailed evaluation of data, as well as course and related documentation, teaching observations, and interviews or focus groups with students, teaching, support staff, and employers. We do, though, recognise that some

providers deliver a significant proportion of apprenticeships. To accommodate those instances, we recommend that a provider can choose whether to include its apprenticeship provision.

As the regulatory landscape evolves and more sub-contracted provision falls directly under OfS regulation, we believe a more balanced approach to partnership provision is required to minimise duplication. For TEF purposes, where the delivery provider is OfS-registered, partnership data should not carry the same weight in the overall rating as it would for a provider with full control of its own delivery. Now that inclusion of these providers on the OfS register has been confirmed, we look forward to working with the OfS as part of stage two of this consultation to work through the logistics within the technical data consultation.

Further clarity is also welcome on how the OfS intends to incorporate LLE and modular provision within the TEF, particularly given uncertainty around the extent to which such provision can, or should be, included in the B3-style metrics. There remain many unknowns regarding the LLE policy, and, as noted in the consultation document, LLE funding currently applies only to modules forming part of a broader course, with OfS oversight of quality therefore retained that way. Treating LLE students in the same way as full-course students may distort sector metrics, as their motivations, aspirations, and personal circumstances are likely to differ significantly.

We recommend excluding LLE students from this data exercise for at least the next two TEF cycles. This exclusion allows for sufficient data accumulation over time and provides the OfS and other stakeholders the opportunity to review how this data reflects quality. Given that LLE draws from existing longer courses, the OfS can already monitor and assure the academic quality of the provision through its oversight of traditional full-time and part-time students.

Whilst the OfS has always said it regulates providers and not provision (and therefore those not funded by student loans have historically been incorporated into data sets in places), we are concerned that standalone CPD or similar modular provision may be sought to be included in this framework and would pose significant difficulties. Consequently, providers offering a greater volume of this provision could be unfairly assessed, resulting in evaluations that lack fairness and comparability across the sector.

Question 3b: Do you have any comments on the proposed approach to expanding assessments to include taught postgraduate provision in future cycles

The current system, which focuses primarily on undergraduate provision, disadvantages providers for whom the majority of students are enrolled on postgraduate courses. As we outline in Question 2a, including PGT provision would therefore promote a fairer and more comprehensive reflection of institutional performance across the sector. The inclusion of PGT provision in TEF and quality assessment has long been considered, and the OfS's reconsideration of quality assessment and attached incentives and interventions creates not only an increased imperative, but also an opportunity to include PGT students in a way which is fair, robust, and reflective of the different expectations of PGT students.

PGT students often have distinct motivations, expectations, and circumstances compared with undergraduates. They are typically more mature, frequently studying part-time or alongside professional or personal commitments. As such, indicators and benchmarks relating to

continuation, completion, and outcomes need to reflect these differences appropriately. The NSS is designed for undergraduate students, with the largest survey of PGT student experience undertaken by AdvanceHE rather than the OfS, and as such NSS-based indicators used for quality assessment may not be suitable for PGT students and data may be less readily available. Previous TEF assessments have also focused on UG students and we therefore do not have the same understanding of quality in relation to PGT provision.

GuildHE would welcome further consultation with the sector as this policy develops, particularly in relation to the design of new threshold standards, benchmarking approaches and appropriate and robust indicators that accurately reflect the quality of PGT provision and the experiences and outcomes that PGR students value. We would also like to discuss the potential for including specific PG ratings in the future, rather than these being wrapped into an overall provider rating.

Question 4a: What are your views on the proposal to assess and rate student experience and student outcomes?

We support retaining both aspects as they are equally important to the oversight of quality.

Question 4b: Do you have any comments on our proposed approach to generating 'overall' provider ratings based on the two aspect ratings?

Increasing the weight and importance of the overall rating will introduce greater complexity and risk into the determination process. This increased complexity could expose flaws in the system, potentially weakening the entire exercise.

We do not agree that the overall rating should be capped at a provider's lowest rating, as the two aspects measure different dimensions of quality. One aspect - student experience - is in the provider's complete control, whereas the other is partially driven by external factors and subject to a data lag, as acknowledged by the OfS in the consultation. A potential unfairness could arise where a provider is rated 'Gold' for student experience but 'Silver' for student outcomes, due to only marginal differences (75% excellent, 25% less so). In this scenario, the panel would give an overall 'Silver' rating based on the lower outcome, even if almost 90% of the data points within TEF are considered outstanding. We believe this final judgment would be considered disproportionately negative. The OfS therefore needs to ensure the weighting of the two aspects is fair and impartial, while also transparently explaining and communicating the overall rating.

We seek clarity on what the two aspect ratings mean for the proposed incentives and interventions. It is unclear what a provider with a gold/silver rating, but only in the student experience element, is entitled to, and whether they receive the same package of incentives as providers with both aspect ratings, including access to SPG funding and the proposed future tuition fee increases. Further clarity is also needed on how any elements rated as "requires improvement" in relatively small areas of a provider's activity might affect its overall rating.

Furthermore, the institutional-level nature of this decision creates a paradox: a student studying a very high-quality degree in English at a Bronze rating would pay lower tuition fees than a

student on a demonstrably much lower-quality English degree at a TEF Gold institution. Given the known variability in quality across different faculties within providers, we do not think this a fair outcome for students and does not serve their interests.

Finally, while we recognise that government and sector stakeholders view 'graduate jobs' and higher salaries as a desirable outcome and measure of a quality qualification, such indicators are not easily measured and relying on them delineates the value of HE to job training. Even when benchmarked and mitigated for SOC codes and regional anomalies, salary metrics provide only a limited reflection of quality, particularly within the one- to three-year post-graduation timeframe and for valuable graduate roles that attract lower salaries (e.g. public sector workforce). Furthermore, the House of Commons Business, Innovation and Skills Committee TEF report in 2016 notes that "There is no evidence that graduate destinations or salary levels are good proxies for teaching quality". This is a widely felt belief across many academics, think tanks and policy makers, some of whom have been highlighted in answer to question 1.

Question 5a: What are your views on the proposed scope of the student experience aspect, and how it aligns with the relevant B conditions of registration?

We agree that the previous approach does not require substantial review. However, not all components - such as the quality of course content and delivery, assessment, academic support, resources, and student engagement - can be adequately captured through metrics alone. It is essential for the OfS to develop "succinct descriptions of what is required by the relevant B conditions." While Annex H provides a useful framework, it does not specify how these areas would be evidenced, as many relate to 'input' activities rather than direct student outcomes. Furthermore, adequately addressing these elements within a 25-page limit is complex and would likely necessitate additional supplementary evidence.

Treating this as a desk-based, relatively light-touch exercise, especially with the intention that each non-metricised element is rated on a scale, may reduce the robustness of quality decisions by panels and could encourage cherry-picking excellent practice that may not be widespread across different faculties of a provider. We question how a panel could provide differentiation in this level of detail under the proposed approach to evidence, without providers explicitly commenting on how widespread any highlighted practices are in the institution. And whilst this suggested approach is not too dissimilar to previous iterations of the TEF, with the additional inclusion of penalties, the process needs to be sufficiently robust to bear a potential fee-changing judgement for individual providers.

Question 5b: What are your views on our initial thoughts on the criteria for the student experience rating (at Annex H)? You could include comments on:

- **whether the 'course content and delivery' criteria suggested in Annex H should be framed differently for a provider-level assessment**
- **whether there is clear enough differentiation between each level, and how this could be improved.**

Evidence for Part One - "recent subject, research, industry or professional developments" - may be more challenging for delivery partners to provide in relation to course design so the OfS needs to carefully consider the best guidance and approach to this. We anticipate that all other aspects should be able to be evidenced for sub-contracted providers.

We are concerned with the incorporation of B4 into the TEF as currently described in Annex H due to how it could be misconstrued. B4 is principally an issue of academic standards which meet sector-agreed standards rather than a 'quality' issue which can be enhanced by differentiated practice. We note a lack of additional clarity and nuance regarding this in Annex H. Assessment and awards should always be valid, reliable, credible and mapped to the UK qualification frameworks. All assessments should be "effective in testing and supporting students' learning, development and attainment". The measurement of B4 therefore does not align with the measurement system and ratings in TEF.

Question 5c: What are your views on the evidence that would inform judgements about this aspect? You could include comments on issues such as:

- **what evidence could demonstrate the requirements of condition B1 are met at a provider level**
- **whether the submission page limit should be reduced**
- **the proposed inclusion of indicators based on the 'Learning opportunities' theme of the NSS.**

We are concerned with the legitimacy of nuanced ratings for B conditions outlined in Annex H, especially those relating to academic standards (B1, B4). In our view, the proposed light-touch approach to provider submissions and links to further evidence does not provide TEF panels enough scope to determine whether highlighted practices are widespread across a provider.

As previously stated within this consultation, if OfS wishes to impose penalties on providers based on the judgements of the TEF panel, then OfS need to raise the bar of reliability and credibility of those judgments, and this consultation is light on the detail of how this will be achieved. For example, to verify claims about curriculum design, such as the integration of cutting-edge theory and practice, validation documentation samples may be required to prevent the panel from relying solely on assertions within the submission itself. For a thorough, provider-wide assessment, a more effective approach may be to request a description of the policies governing curriculum design and B1 compliance, supplemented by a representative selection of examples scaled according to the provider's size, or by a request for clarification on how broadly any highlighted examples are applied across the institution. But this all adds to the burden on institutions and panel members to submit and critique individual approaches.

For this reason, we believe that integrating all B conditions into TEF for fundamental regulatory purposes requires careful consideration of the provider's submission and evidence. The

current 25-page limit is restrictive, especially for large or complex institutions, and it is unlikely to accommodate a coherent, fully evidenced narrative addressing all aspects of the B conditions.

Removing the requirement for providers to explain their planned or recent actions diminishes the only current enhancement element in the OfS's approach and contradicts the Government's White Paper, which supports enhancement in the sector. Furthermore, due to the time lag in the data providers will invariably need to discuss activities undertaken over the past three years, not all of which will be fully captured in the current data. If the exercise were intended as a narrative document interpreting the data, it would logically need to cover actions and context from a three to five year period, which would render the exercise meaningless for current students and makes judgments about the quality of the provider right now (for the purposes of imposing penalties) grossly unfair.

Previous TEF iterations have encouraged a marketing-style approach to submissions, aimed at 'pitching' for strong outcomes. This dilutes the purpose of the submission as a legitimate quality assurance process, rather than an award submission. A clearer, more directive template and guidance on evidence could partially mitigate this, create more transparency in panel decisions, and support less-resourced providers to submit comparable documentation.

We support the OfS's decision to include additional NSS questions. However, we note that these responses reflect student opinions rather than the perspectives of subject or industry experts. While we advocate for active student involvement in curriculum design, students are not definitive authorities on curriculum content or its long-term effectiveness on future careers, especially as surveys are completed prior to graduation.

Question 6: Do you have any comments on our proposed approach to revising condition B3 and integrating the assessment of minimum required student outcomes into the future TEF? You could include comments on areas such as:

- **removing the progression indicator from condition B3**
- **how contextual factors would be considered at different stages in the process.**

We understand why the OfS wishes to dissuade providers from using submission space to explain improvement actions they are implementing but are not yet seen in the data. However, this is a very nuanced decision, and has particular impacts regarding lagged data, with the potential for some more recent data to show an upward trajectory evidencing improvement. Furthermore, it will create additional pressure on TEF teams as providers will wish to be reconsidered more frequently. Removing the element of a provider explaining its planned actions also removes the only current enhancement element from the TEF exercise. This is the trade off between TEF as a compliance tool, or as a tool to encourage provider enhancement.

Question 7a: What are your views on the proposed approach and initial ratings criteria for the student outcomes aspect?

We do not agree that student outcomes data are sufficient reflections of academic quality, and provide further detail and evidence to support our reasoning throughout this section. Data on graduate salaries can form part of the picture to inform student expectations, demonstrate

value for money and support efforts to demonstrate HE's impact on the economy and society more broadly, but the extent to which graduates enter 'graduate jobs' as dictated by title or indicative starting salaries is not sufficiently determined by the quality of their academic experience to warrant use as a key metric of quality.

The consultation claims that its proposals "provide important measures that matter to students." While early career opportunities are undoubtedly important to students, the consultation offers no evidence that these are prioritised over longer-term career prospects or the broader developmental and life advantages gained through HE experience. The United Students Applicant Index 2025 found that, while 39% of respondents said that their top motivation for going to university was to get the job they want, 44% were most motivated by the broader opportunity to gain a higher level of education. We believe this reflects wider public recognition that higher education is a means through which individuals develop and deepen both their individual capabilities and their understanding of the society in which they live; both increasingly vital attributes in modern, fast-changing democratic societies.

As we also know from HEPI Student Experience Data, only around 20% of students incorporate career prospects into their value-for-money calculations. A significant number of students intend to study HE in order to work in the public sector; while teachers, nurses, physiotherapists, police officers, and many more public servants establish successful careers, their professions often attract lower salaries than other professions but are no less vital or highly-skilled than lawyers, bankers and architects. This tension must not be exacerbated by a regulatory approach that reduces the assessment of quality to what the labour market will provide for graduates once they finish their studies.

That said, a more rounded set of post-study or employment measures (with careful consideration as outlined in 7b) is welcome if we agree as a sector that the TEF is not simply a mechanism for assessing teaching quality, but rather an assessment of a provider's impact of their non-research/KE activity more generally.

We also appreciate the OfS's support in helping TEF panel members understand the intricacies of graduate destinations, particularly when they diverge from official statistics (such as SOC classifications). In theory this assistance will alleviate the need for providers to submit extensive data on this to provide context but nevertheless members have still told us that they best understand their context and therefore are keen to continue to offer this additional information where needed. For example the existing SOC system inaccurately reflects typical creative industry hiring and career progression, distorting Graduate Outcomes reporting and negatively affecting B3 performance. Many essential creative sector entry-level roles (eg internships, trainee schemes) explicitly require a relevant degree and specialised skills but are incorrectly categorised as "non-graduate" under the current SOC framework. For instance, professions like costume makers, dressers, or seamstresses in the performing arts, despite a clear professional alignment, are not classified as graduate-level occupations.

Question 7b: Do you have any comments on the proposed set of employment and further study indicators, and are there other measures that we should consider using?

The inclusion of a measure assessing graduates' reflections on the application of HE learning in post-study activities requires benchmarking and caveats based on diverse career paths. It is

crucial to acknowledge that some graduates will utilise their subject knowledge early in their careers, while others may not. This in itself does not suggest that what was taught was irrelevant, but reflects individual career choices and circumstances 15 months after graduation.

We observe a potential disconnect between the consultation document and how students might answer the proposed question. The document states: "Our initial view is that a measure of how far graduates are utilising what they learned in their studies would complement the other proposed measures, by providing a view of how far their time in HE had helped prepare graduates for their future, regardless of their type of job or salary." We would like to understand more about how graduates respond to this question and to ascertain whether their responses consider the whole student experience and transferable skills, or just the subject knowledge they acquired.

It is also important for the OfS to better acknowledge that the data generated by the Graduate Outcomes Survey (GOS) presents challenges. Specifically, the survey's SOC code allocations are unreliable, and the overall response rate is low.

We fundamentally disagree that any salary-based benchmark is an indicator of HE provision quality. This is not an existential or academic argument, but one grounded in clear evidence recognised by the House of Commons from the IFS that salary is linked unilaterally to school level academic attainment, social class and employer perception of prestige, not rooted in actual academic quality.

[IFS research on the potential use of LEO in regulation](#) outlines that "an ideal metric should reflect the impact a course has on graduates' earnings and capture only factors that providers can control. Practical considerations include fairness across providers, accuracy, creating positive incentives for providers, regulatory practicality, timeliness and transparency." Whilst its final recommendations do provide an interesting framework for benchmarking salary data, it ignores its own research which suggests that "existing measures of degree quality are not well related to returns" ([How much does degree choice matter](#), 2021). They find that prior attainment (and therefore HE selectivity) is the defining factor in salary differentiation between subjects, not any published measures of teaching quality or academic standards across different sorts of HEI. Their 2022 report [How much does it pay to get good grades at university](#), goes into further detail on how the value of a higher degree class varies significantly by subject. We recognise this can be mitigated in benchmarks, however while a 2.1 offers greater benefits at more selective universities, in the most selective universities (Oxford, Cambridge, Imperial, LSE), the report finds a first-class degree offers almost no earnings advantage for women compared to a 2.1, but a substantial 14% increase for men. This provides evidence that not only is salary linked to employer perceptions of prestige of certain institutions and subjects, but that salary cannot be linked to teaching quality when there is such a stark difference in gender salaries at an early stage. The [2021 IFS report on Gender Pay Gaps](#) confirms this trend and concludes that by the age 30, subject choice explains only a fifth of the total gender pay gap. Additional elements that may contribute include: motherhood, gender-based differences in risk attitudes, recognition for group contributions, hours worked, willingness to negotiate wages, inclination to seek promotions, and workforce discrimination - none of which are relevant to the quality of a university degree.

Therefore regardless of metrics that control for prior attainment, demographic characteristics, subjects and regions, we can see just from a deep dive of LEO data by gender that the quality of the experience provided is only a small factor in the salary outcomes of graduates.

Question 7c: What are your views on the proposal to consider a limited set of contextual factors when reaching judgements about this aspect?

We believe it is important for providers to supply contextual information regarding graduate employability. If this is regarded by government and regulators as a core component of quality (and therefore linked to access to funding for example), then institutions should be empowered to articulate their strategic approach.

The industry sectors our members serve are currently experiencing, and are expected to continue facing, considerable volatility and transformation. This is driven by evolving political and funding landscapes, rapid technological advancements, public sector funding and prioritisation and shifting consumer behaviours. These dynamics directly influence both the opportunities available to graduates and the general perceptions surrounding their entry into such industries. We therefore disagree that alternative data analysis for student outcomes is unnecessary, given the well-rehearsed reasons concerning the lack of coherence in student outcome information and the complexities of interpreting SOC codes, regional skills needs and salary capping. The TEF metrics are also based on the GOS which has a much lower response rate than the NSS.

We support removing formal requirements for providers to discuss learning gain approaches. However, we believe that it remains valuable to include within the student experience section, particularly where it supports diverse student cohorts and for providers who wish to articulate this as part of their institutional strategy.

Question 8a: What are your views on who should carry out the assessments? You could include suggestions for how we can enable more assessors (both academic and student) from small, specialist or college-based providers to take part.

We believe it would be beneficial to have a mix of academics and professional service staff so that there is a wider understanding of the whole institutional approach to quality. GuildHE members are concerned about the challenges they face in releasing staff to contribute to the TEF assessment exercise, risking the representativeness of assessors. This is partly due to a lack of awareness regarding the actual time commitment, and partly because their roles are often difficult to cover during absence. They are also likely to be the same staff who have developed their own institutional response. This latter challenge may be partially mitigated under a rolling cycle, which could allow greater flexibility for staff to be released in years when their own institution is not submitting.

Ongoing concerns among members are that TEF panels have not consistently demonstrated a robust understanding of the unique contexts of smaller or specialist providers, or those institutions delivering HE through more flexible and innovative approaches. This has been evidenced in some of the panel letters received following judgment. While some of these

issues can be addressed through enhanced training, additional measures could include stronger support from OfS staff to ensure panellists consistently take these contexts into account during deliberations, as well as increasing the diversity of staff within the panel pool. We do, however, understand this is challenging in a completely desk-based exercise when there is no conversational element between the panel and providers.

Question 8b: What are your views on only permitting representations on provisional rating decisions of Bronze or Requires improvement?

On balance we agree that this would minimise additional burden for HE providers and the OfS when the stakes are much lower for these two outcomes.

Question 9a: What are your views on our proposal for an alternative means of gathering students' views to inform the student experience aspect where we do not have sufficient NSS-based indicators? You could include comments on:

- **the proposed approach to determining whether the NSS data is sufficient (this is expanded on in Annex G)**
- **the actions we are considering to improve the availability of NSS data for more providers**
- **how student views could be gathered through an alternative means.**

We agree with the OfS that lowering the publication threshold is not an appropriate solution; however, we remain concerned that this approach may create a system where smaller HEIs are not compared fairly to larger institutions. High-quality student submissions are challenging in many instances, especially when there are smaller SUs, no full-time officers and/or no formal independent student organisation. We believe that it is crucial to get the student voice embedded into the exercise in a comparable and reliable way. It is therefore important that, alongside any commissioned supplementary information, the formal student submission is adequately supported by the OfS.

Supplementary approaches, such as online meetings, focus groups, or current student surveys, may assist panel members in gaining a fuller understanding of student perceptions, and provide an opportunities to genuinely engage with students in a meaningful way. Given the potential impact on many of our member institutions, we would welcome engagement with the OfS to explore and model these different approaches in collaboration with our staff and student union networks.

Question 9b: What are your views on our proposal not to rate the student outcomes aspect where we do not have sufficient indicator data? You could include comments on the proposed approach to determining whether the data is sufficient (this is expanded on in Annex G).

We urge the OfS to invest in ensuring that the public and students genuinely understand that a lack of rating is not an indication of quality, as we do not think this is well understood based on the Discover Uni dataset.

Question 10a: What are your views on our proposed approach to including direct student input in the assessment of the student experience aspect for all providers? You could include comments on alternative ways of gathering student input where student submissions are impractical.

We are fully supportive of advice, guidance and interventions where the students do not have the capacity and resources to undertake a student submission of the calibre of a very large traditional Students' Union. In the previous exercise, GuildHE supported smaller SUs by providing workshops, roundtables, writing groups, and suggested templates. Detailed templates outlining what to include and what data to collect were particularly useful, as were prompt questions. Moreover, like we have suggested in Q9a, we believe there is value in students providing some sort of narrative in the ways in which their institution is supporting their employability options and learning gain. The ability to create a video submission was strongly supported by members, as it provided a more authentic and effective means of representing the student body's diverse perspectives and experiences in a more accessible way.

Question 10b: How could we help enable more student assessors from small, specialist and college-based providers to take part?

Smaller, specialist, and college-based providers face additional challenges in recruiting student assessors. Many lack sabbatical officers or well-developed SUs to support student applications or the time commitment, while higher proportions of commuter, mature, and working students mean such roles are often less visible or they may not perceive these roles as 'being for them'.

In the previous exercise, there was insufficient information on the time commitment required. Although the role is paid, all students are increasingly juggling work commitments while studying, and those in vocational or specialist subjects often have 30+ contact hours per week, making it challenging for students to take on extra "seasonal" work. Future cycles will face further challenges in engaging PGT students, who are often commuter, mature, or part-time, with additional caring or employment responsibilities.

We therefore recommend early publication of student assessor roles with clear information on time commitments, flexible participation options (online, asynchronous, evening, or weekend formats), and prompt, transparent remuneration reflecting opportunity cost. Establishing regional communities of practice or mentoring networks, and providing training that values specialist and non-traditional student experiences, would further enhance accessibility.

GuildHE would be pleased to support the OfS to better understand the barriers to participation with our student and quality networks and welcome consideration of how students in the circumstances outlined above would be supported to participate.

Question 11a: What are your views on our proposed approach to scheduling providers for their first assessments? You could include comments on:

- **the factors we should consider in scheduling assessments**
- **any types of significant events that should lead us not to schedule an assessment in that year**

- **the sequencing of TEF assessments and APP approvals.**

We are somewhat concerned about the impact a rolling cycle of reviews could have on bronze-rated institutions (regarding cumulative impact and cost of interventions), however these institutions may welcome the opportunity to be reassessed earlier. We also believe that those without a TEF award may wish to be put earlier in the cycle.

We believe that notifying providers only six months before their submission deadline is unhelpful for managing resources. This is particularly true for smaller institutions and students, given an element of random allocation and the significant resources required for participation. We think 12 months would be better, but with flexibility for the OfS to amend in line with its suggestions in paragraph 180.

In addition to APP approval, the OfS should acknowledge the challenges faced by providers in the same cohort as the TEF submission. While pausing the exercise for a year is not feasible, mitigations could support these institutions with the resource requirements of both, such as extended deadlines for submissions in that year. While Ofsted operates on a cyclical and somewhat random basis, TEF is a whole-sector activity and could be partially mitigated. This would especially support smaller HEIs who not only have small quality teams, but also small registry and data teams to ensure that said institutions equitably participate in the exercise.

Question 11b: What are your views on our proposed approach to scheduling providers for subsequent assessments?

We agree with the suggestion.

Question 12: Do you have any comments or evidence about the factors associated with risks to quality that might be included in the draft risk monitoring tool at Annex I?

In our response to the OfS Strategy consultation, we expressed concern that the proposed quality risk monitoring tool could draw undue attention from global partners, potentially affecting their perception of the English sector's health. We appreciate that the OfS has rebranded this from a 'Risk Register' to a monitoring tool, which goes some way to alleviating this concern, though we would welcome clarification on how the OfS intends to use this in regulatory activity.

We are concerned that Annex I includes a majority of factors not directly measured within the TEF, raising questions about the extent to which the OfS can evidence whether these factors consistently indicate an increased risk in quality for all cases. As with the EORR, it would be helpful for the OfS to publish the evidence underpinning its view that these factors constitute genuine risk indicators. While some insight briefings reference these issues, many do not.

The EORR was developed following extensive consultation with the sector and grounded in a strong evidence base. However, its effectiveness in improving provider behaviour has not yet been evaluated. We would therefore welcome more extensive and transparent engagement with the sector on the development of this tool and evidence base behind it. In addition, we

encourage the OfS to outline how it intends to review the elements of it following the application of TEF methodologies to test the risk likelihood in these scenarios.

Question 13: Do you have any comments about the proposed set of incentives and interventions associated with TEF ratings? You could include comments on:

- **the principle that growth in student recruitment should take place at high quality providers**
- **the potential to link eligibility for new DAPs awards, or extensions to existing DAPs, to higher TEF ratings**
- **the approach to determining a breach or increased risk of breach, following TEF rating decisions**
- **whether there are any other incentives and interventions we should consider.**

While there is a logic to restrict providers who fail to meet minimum standards, penalising Bronze award providers (including differential eligibility for funding or student numbers limits) creates a detrimental environment for the growth and stability of the sector. Providers may struggle to attract the investment needed to improve their student experience and achieve silver status in future activities if student recruitment and access to funding is restricted. Although the revised bronze methodology will mean fewer Bronze award providers, the consultation still describes Bronze-rated providers as meeting minimum quality requirements and therefore delivers high-quality provision (as per the OfS definition of the benchmark and comparing our benchmarks against international standards). With this being the case, we do not think it is appropriate for Bronze providers to be restricted in any way.

This issue is amplified by government proposals to link quality to tuition fee increases, which could threaten the survival of an institution. While protecting public investment and prospective student interests is important, particularly in the case of the 'Requires Improvement' category, it is equally crucial to consider the consequences for existing students. Any assessment tied to such high-stakes incentives and interventions must be fair and evidence-based.

Imposing financial penalties on low-quality providers should be more transparently based on being in 'good standing' with the regulator, against the published thresholds and after investigatory activities, rather than an exercise which only runs every three to five years and is hindered by the inherent difficulty in precisely measuring quality through an exclusively desk-based assessment process

The TEF has long been criticised for failing to accurately measure current provider quality, instead focusing on student satisfaction and outcomes, which are often beyond institutional control. Data lags further reduce its usefulness for student choice. The current TEF also overlooks nationally agreed standards such as the UK Professional Standards Framework for Higher Education and the UK Quality Code.

While a whole-institution approach may reduce regulatory burden, it's crucial to acknowledge that quality often varies significantly across specific programmes within institutions. The OfS appears to be designing a system that continually incentivises certain practices, rather than genuinely measuring "teaching excellence." This approach is somewhat more palatable in current times given the planned alignment between the regulatory framework and its

expectations, positioning the TEF as a tool to measure compliance. However, its branding may need adjustment to reflect this tension.

Experience from other regulated sectors, such as schools, indicates that heavy reliance on metrics can significantly influence investment decisions and lead to performative actions aimed at data improvement, rather than delivering genuine benefits for students, customers, or broader stakeholders. The proposed TEF continues to rely on market-based extrinsic values and ideologies for education regulation, which are not entirely appropriate for the HE sector or the measurement of academic quality.

Furthermore there are significant limitations with pinning funding and student recruitment decisions on a tool which cannot, without massive expansion, dive into the input and impacts of provider behaviour. The TEF successfully measures some aspects of quality, there are many elements of subjectivity, as noted in as B1, B2 and B4, or simply too much evidence to review whether practice in one area is consistently reflected across the whole provider.

We are further concerned about the limited auditing mechanisms OfS have in place to verify that submissions accurately reflect institutional reality and protect against fraudulent submissions. As stakes rise, so does the risk of providers presenting overly polished or misleading narratives to secure higher ratings.

Finally, until PG students are included, providers with predominantly postgraduate populations will be assessed based on undergraduate cohorts. This risks producing ratings that do not accurately reflect their overall mission, approach, or student outcomes but could significantly cut them off from funding and growth opportunities. Clarity is also needed on how incentives will apply to postgraduate provision in future.

We also believe that Degree Awarding Powers (DAPs) and TEF processes and expectations should be more closely aligned. This would add credibility to restricting or re-evaluating Bronze or Requires Improvement providers for DAPs awards. We expect the OfS to consult with the sector on DAPs in the future and assessing the impact of this sort of restriction could form part of this consultation proposal.

Question 14a: What are your views on the range of quality assessment outputs and outcomes we propose to publish?

We broadly support publishing assessment reports as this supports compliance with ESG.

Question 14b: Do you have any comments on how we could improve the usefulness of published information for providers and students? You could include comments on areas such as:

- **whether the OfS should have a role in sharing good practice, and how we should do so**
- **the presentation of TEF outcomes for providers that are not rated for student outcomes.**

Outside of the ratings, we think the OfS could do more to articulate what, in practice, they have found from annual exercises. This could include specific themed insight briefings or other ways to highlight good practice. This would firstly meet the independent TEF review recommendation to identify excellence and encourage enhancement. Secondly, it would also help providers understand TEF panel decisions for future years and create a level of accountability and continuity that the sector would appreciate.

Question 15: Do you have any comments on the proposed implementation timeline?

As already articulated we think that giving providers six months to submit is not sufficient to prepare for the exercise.

Question 16: Do you have any comments on the two options we have set out for how we could approach publication of TEF ratings during the transitional period, or suggestions of other approaches we could take?

It is important for outcomes during the period of transition to be clearly communicated as some providers will have ratings under the current TEF and others under the new TEF, both with different meanings and criteria. We do not think it would be helpful for providers or students to 'archive' old TEF awards and stop them being communicated as this will create confusion in the system. However, some sort of "historical" branding would strike the right balance until such time as the provider gets an updated award which will be a maximum of three years.

Question 17: Do you have any comments on our approach to ongoing development, or our plans to prepare for the future inclusion of taught postgraduate provision?

As the work to include PGT provision in assessment cycles progresses, meaningful engagement with providers, students, and representative bodies is essential. As outlined in question 3b, PGT students often have distinct motivations, expectations, and outcomes, with many studying part-time or alongside employment. In order to develop a balanced and representative understanding of quality across the sector, GuildHE therefore encourages the OfS to develop new, robust, and context-sensitive indicators for postgraduate provision through close consultation with the sector. This should include further consideration of threshold standards, continuation and completion measures, and postgraduate outcomes.

We also welcome consideration of the most effective and representative way to include PGT student voice and student assessors in future TEF cycles, including for those at smaller, specialist and vocational providers. Finally, we encourage transparency regarding timelines and engagement opportunities to enable providers to plan effectively.

Question 18: Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

We are concerned about the suggested cost of £25,000 which seems substantial for a desk-based exercise (in comparison to the cost of an in-person Ofsted inspection) that could

be considered part of OfS' business as usual activity. We request greater transparency regarding the calculation of these charges, along with a guarantee of value for money. For smaller providers, the flat rate is disproportionately burdensome, resulting in a very high cost-per-student, especially when they will have less data points for the panels to assess. These institutions already contribute more per head to OfS operations than larger HEIs, despite not presenting a different level of risk.

With the stakes much higher, our members have also indicated that they are concerned that a move back to decisions based on data above-below the benchmark can be problematic for specialist provision. Our members are often the largest or principal education providers in several specialist subject areas. Due to this scale, their performance significantly shapes the overall subject performance profiles that inform benchmarking algorithms. Consequently, because our outcomes make up a large proportion of the England-wide metrics, it is intrinsically difficult for them to significantly surpass the benchmark standards.

Question 19: In your view, are there ways in which the objectives of this consultation could be delivered more efficiently or effectively than proposed here?

As highlighted in our introduction, the OfS should leverage existing internationally recognised sector standards within the methodology. Specifically, the TEF should incorporate Subject Benchmarks, the UK Quality Code, and the UK Professional Standards Framework. Creating new quality definitions is both inefficient and places an unnecessary burden on providers and the OfS when these internationally recognised reference points already exist for defining quality.

Furthermore, recent OfS publications actively undermine and disregard the sector's internationally agreed approach to quality via the external examiner system. While there is scope for improvement, this system offers a crucial, regular, on-the-ground external oversight that benefits students and upholds our international reputation. The OfS's complete rejection of this system is problematic for the TEF. We believe that a strengthened and unified application of the external examiner process across the sector would provide TEF panel members with essential external scrutiny, offering valuable data and commentary to support a more robust final judgment. We urge the OfS to consider this, especially in light of a potential government review of the system, which will be supported by the sector in the coming year.

Finally, we believe the OfS must commit appropriate resources to a calibration and moderation exercise for the TEF. This is essential to ensure robust judgments are being made by panels, and becomes vital should the proposals to impose penalties be actioned.